

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63544 of 2018

Arising Out of PS. Case No.-65 Year-2004 Thana- BRAHMPURA District- Muzaffarpur

Awanish Roy @ Awanish Kr. Roy, S/o Late Bhola Roy, Resident of Village-
Balhan, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate Mr. Shashi Bhushan Singh, Advocate
For the Opposite Party/s	:	Mr. Aslam Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-12-2018 Heard Mr. Rajendra Narain, learned senior advocate for the petitioner and Mr. Aslam Ansari for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Brahampura P.S. Case No. 65 of 2004 dated 20.05.2004 instituted for the offences under Sections 420, 406, 408, 409 and 120(B) of the Indian Penal Code and under Section 138 of N.I. Act.

The sum and substance of the allegation in the FIR is that the petitioner worked as Secretary of Nav Chetna Trust, Muzaffarpur of which one Nalini Ranjan Singh, an Ex-Cabinet Minister was the Chairman. The Trust though was constituted for a very pious purpose but it ended up accepting deposit from unsuspecting investors. The deposits went to the pocket of the



trustees and the investors were left completely high and dry.

Hence this case.

Mr. Rajendra Narain, learned Senior Advocate has submitted that the entire Trust was managed by the Chairman and founder viz. Nalini Ranjan Singh who at one point of time was a minister with the Bihar Government. The petitioner was only a name lender and did not even know that the present case was lodged way back in the year 2004. It was only later that the petitioner came to learn that charge sheet has been submitted in this case and cognizance has been taken way back in the year 2008. Learned senior counsel for the petitioner is not in a position to inform whether the petitioner has been declared an absconder.

In any view of the matter, since this case is an old one, this Court refrains from exercising its jurisdiction under Section 438 Cr.P.C.

The prayer for anticipatory bail is rejected.

However if the petitioner surrenders before the court below and prays for regular bail, the court below shall take into account the relevant facts namely that the Chairman-cum-Founder of the trust was not sent up for trial; the petitioner was only a name lender and there is nothing on record to find that any financial transaction



was managed or controlled by the petitioner. The court below thereafter shall pass a reasoned order in accordance with law.

With the aforesaid observation, the petition is disposed off.

(Ashutosh Kumar, J)

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